

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

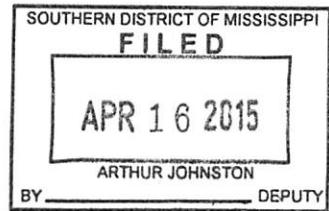
Billy Parker and Carolyn Parker,

Plaintiffs,

v.

Comenity LLC d/b/a Comenity Bank,

Defendant.



Civil Action No.: 2:15cv59-KS-MTP

COMPLAINT

For this Complaint, Plaintiffs, Billy Parker and Carolyn Parker, by undersigned counsel, alleges the following against Defendant, Comenity LLC d/b/a Comenity Bank:

INTRODUCTION

1. Count I of Plaintiffs' Complaint alleges that Defendant negligently, knowingly and/or willfully violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* (TCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 28 U.S.C. 1331.
3. Because Defendant conducts business in the State of Mississippi, personal jurisdiction is established.
4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiffs are each a natural person who resides in Soso, Jones County, Mississippi.
6. Defendant is a business entity with its principal place of business in Columbus, Ohio.
7. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

8. Defendant places collection calls to Plaintiffs seeking and attempting to collect on a debt allegedly owed by Plaintiff Billy Parker on a Gander Mountain account.
9. Defendant places collection calls to Plaintiff Billy Parker's cellular telephone at phone number (601) 369-05XX and Plaintiff Carolyn Parker's cellular telephone at phone number (601) 498-45XX.
10. Defendant places collection calls to Plaintiff from phone numbers including, but not limited to, 866-291-8712.
11. Based upon the timing and frequency of Defendant's calls and per its prior business practices, Defendant's calls were placed with an automated dialing system ("auto-dialer").
12. On August 29, 2014 at 10:35 a.m., Plaintiff Carolyn Parker placed a call to Defendant and spoke to Defendant's representative, "Mr. Bundy."
13. In the course of the telephone call on August 29, 2014, Plaintiff Carolyn Parker referenced account number 5201-3000-1251-70XX, and requested that Defendant cease placing calls to her cellular telephone, (601) 498-45XX.
14. On September 8, 2014 at 10:46 a.m., Plaintiff Carolyn Parker received a call from Defendant on her home telephone, 601-729-46XX.

15. In the course of the telephone call on September 8, 2014 Plaintiff spoke to Defendant's representative, "Ashley," and requested that all future correspondence from Defendant be sent through mail only.
16. On September 8, 2014 at 7:39 p.m., Plaintiff Carolyn Parker received a second call from Defendant on her home telephone, 601-729-46XX.
17. In the course of the second telephone call on September 8, 2014 Plaintiff again requested that all future correspondence from Defendant be sent through mail only.
18. On September 30, 2014 at 5:05 p.m., Plaintiff Billy Parker placed a call to Defendant and spoke to Defendant's representative, "Ms. Rogers."
19. In the course of the telephone call on September 30, 2014, Plaintiff Billy Parker requested that Defendant cease placing calls to his cellular telephone, (601) 369-05XX..
20. On October 3, 2014 at 10:26 a.m., Plaintiff Billy Parker received a telephone call from Defendant from phone number 866-291-8712 on his cellular telephone, (601) 369-05XX.
21. In the course of the telephone call on October 3, 2014, Plaintiff Billy Parker spoke to Defendant's representative, "Tammy", and again requested that Defendant cease placing calls to his cellular telephone, (601) 498-45XX.
22. Plaintiff Carolyn Parker and Plaintiff Billy Parker revoked any consent, express or implied, to receive automated collection calls from Defendant in the course of the telephone calls on August 29, 2014, September 8, 2014, September 30, 2014, and October 3, 2014.

23. Despite Plaintiffs' repeated requests to cease, Defendant continued to place at least twenty-seven (27) automated calls to Plaintiff Carolyn Parker and twenty-one (21) automated calls to Plaintiff Billy Parker.

COUNT I

DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT

24. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiffs to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

25. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violations of the TCPA, entitling Plaintiffs to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray that judgment be entered against the Defendant for the following:

26. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);

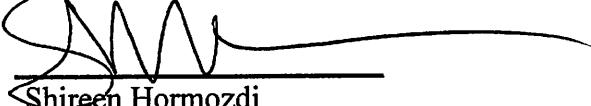
27. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B) and 47 U.S.C. § (b)(3)(C);

28. All court costs, witness fees and other fees incurred; and

29. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By:



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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiffs demand a jury trial in this case.